



UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA



March 22, 2005

**ANNOUNCEMENT (AMENDED 4/4/05)**

**AUTOMATIC ISSUANCE OF ADVERSARY SUMMONS**

**To: All filers of complaints initiating an Adversary Proceeding throughout the Middle District of Florida**

**EFFECTIVE MARCH 23, 2005:** Immediately upon the completion of adversary case opening, the CM/ECF program will automatically create and issue a Summons. It is no longer necessary to attach a summons and cover sheet to the complaint filed electronically or to submit a summons and cover sheet in paper.

For complaints filed in paper, continue to follow the rules in each division regarding a return envelope or counter pick-up of the summons. The clerk will print the electronically generated summons and return to you via U S Mail or will place the summons at intake for pick-up. You may also download the issued summons through Pacer.

**Please note:** For Third Party complaints, please continue to submit a summons to the court for issuance.

**Please refer to Chapter 12 of the Attorney User Guide on the Court's web site for detailed procedures – [http://www.flmb.uscourts.gov/cmecf\\_attyman.htm](http://www.flmb.uscourts.gov/cmecf_attyman.htm).**

**NOTICE TO ALL ELECTRONIC FILERS:**

The summons is issued immediately after completion of the case opening process. The issued summons is a link on the Notice of Electronic Filing page that you receive immediately after opening the case. You must scroll down the page and click on the hyperlink to the summons.

Example of the summons link on the Notice of Electronic Filing:

The screenshot displays the CM/ECF (Case Management/Electronic Case Filing) interface. At the top, a blue navigation bar contains the text "Bankruptcy • Adversary • Query • Reports • Utilities • Logout" and a yellow question mark icon. Below the navigation bar, the page header reads "U.S. Bankruptcy Court" and "Middle District of Florida". The main content area is titled "Notice of Electronic Filing". It states: "The following transaction was received from Delamater, Connie entered on 3/22/2005 at 1:29 PM EST and filed on 3/22/2005". Below this, the case details are listed: "Case Name: United States of America v. Voss", "Case Number: 03-05-ap-00147-KSJ", and "Document Number: 2". A "Docket Text:" section follows, containing a blue hyperlink labeled "Summons Issued" with the text: "Summons issued on Ron Voss - Answer Due 04/21/2005. If one or more defendants are the United States or an officer or agency thereof, add an additional five days to the Answer Due date. (Delamater, Connie)". Below the docket text, it says "The following document(s) are associated with this transaction:". At the bottom of the page, there are two lines of text: "4:05-ap-00147-KSJ Notice will be electronically mailed to:" and "4:05-ap-00147-KSJ Notice will not be electronically mailed to:".

## INSTRUCTIONS FOR DOWNLOADING THE AUTOMATICALLY ISSUED SUMMONS

### STEP 1 - REVIEW THE SUMMONS:

- From the Notice of Electronic Filing Screen, click on the hyperlink [Summons Issued](#).
- Review the information on the summons. Verify the correct case number and correct parties are in the caption. If an incorrect related bankruptcy case number was input, if there were errors inputting parties to the complaint, or if the incorrect Judge was selected during case opening, the information on the summons will be incorrect. If the summons information is incorrect, do not serve the summons. Immediately notify the help desk in the appropriate office that there are errors in the newly filed adversary. For Orlando, Tampa and Fort Myers cases, prepare an Alias summons and e-mail it to the appropriate help desk for issuance. For Jacksonville cases, prepare an Alias summons and submit it to the court by docketing under Miscellaneous, Proposed Order.
- **Multiple Plaintiffs or Defendants.** A maximum of two plaintiffs and two defendants will display in the caption of the summons. If there are additional parties, a notation will appear at the bottom of the summons and the additional parties will be listed on a separate page. Both pages should be served.

02/15/2005  
DISTRICT OF FL

\*\*\* Important Notice \*\*\*  
Click [here](#) to receive the second page of the summons (certificate of service).  
**This certificate must be filed with the court after service has been made on the parties.**

CSD007

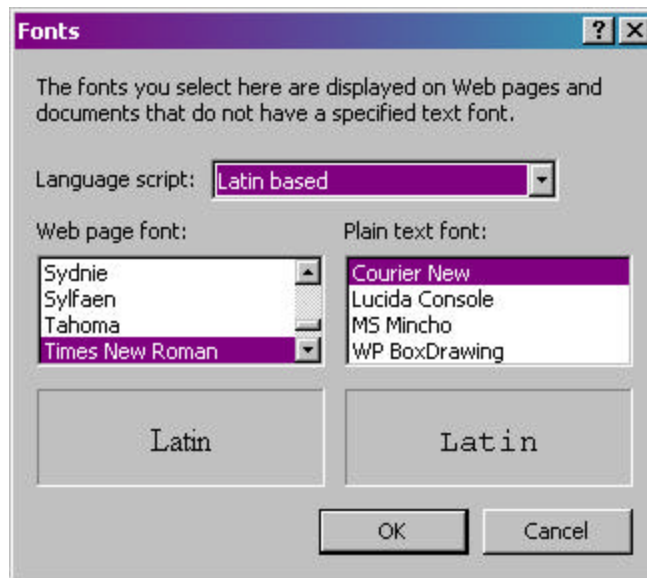
continued caption next page:

Listing Of Defendant Names:

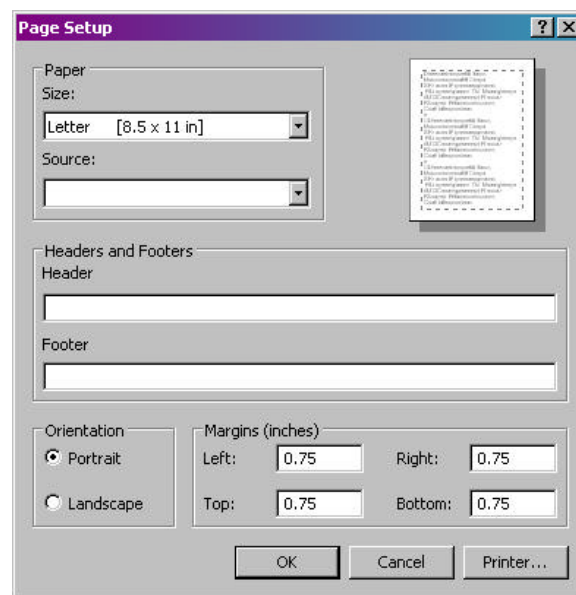
JEDADIAH C MILLER  
BEVERLY ANN MILLER  
TERENCE MILLER

### STEP 2 – PRINT THE SUMMONS:

- Your browser font setting may cause the text on the summons to wrap. We recommend using Times New Roman as your web page font and Courier New for your plain text font. You can check your font settings by clicking on Tools in your browser tool bar and then clicking the Fonts tab (see example).



- You should also remove any Header and Footer settings prior to printing the summons. On your browser, go to File, Page Setup. There should be nothing in the Header and Footer settings (see example). Click OK



- Print as many copies of the Summons as needed for service. Note, you can also print the summons to Acrobat or Adobe and save to a file.
- The summons includes a hyperlink to a blank Certificate of Service page. Click on the link at the bottom of the summons to print the certificate if you wish to use it for filing proof of service with the Court.

IF YOU FAIL TO RESPOND TO THE SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGEMENT BY THE BANKRUPTCY COURT. MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.



David A. Oliverio  
Bankruptcy Clerk

\*\*\* Important Notice \*\*\*

Click [here](#) to receive the second page of the summons (certificate of service).

**This certificate must be filed with the court after service has been made on the parties.**

Certificate of Service link

- If the information on the summons is correct, serve the summons in accordance with the Federal Rules. Promptly file a certificate of service. **PLEASE NOTE:** For cases before Judge Proctor, Judge Jennemann, Judge Williamson and Judge May, the clerk's office will prepare and docket a separate Notice of Pretrial Conference. For cases before Judge Funk, the clerk's office will prepare and docket an Order as to Preparation, Service and Return of Process and Establishing Hearing Procedures. This notice or order must be served along with the summons and complaint. Please refer to the next section for further instruction.

## **CASES BEFORE JUDGE PROCTOR, JUDGE JENNEMANN, JUDGE WILLIAMSON & JUDGE MAY:**

The summons will no longer include notice of the pretrial conference. The clerk's office will prepare and docket a separate notice of pretrial conference. **IMPORTANT:** The attorney for plaintiff is required to serve a copy of the notice of pretrial conference along with the summons and complaint.

Attorneys who **filed** the complaint **electronically** in a case before Judge Proctor, Judge Jennemann, Judge Williamson and Judge May, must wait for receipt of the Notice of Electronic Filing of the Notice of Pretrial Conference to serve the summons. Immediately upon receipt of the Notice of Electronic Filing of the Notice of Pretrial Conference, print the notice and serve along with the issued summons and complaint. Upon completion of service, file a Certificate of Service with the Court.

## **CASES BEFORE JUDGE FUNK:**

The clerk's office will prepare and docket an Order as to Preparation, Service, and Return of Process and Establishing Hearing Procedures. Attorneys who **filed** the complaint **electronically** in a case before Judge Funk must wait for receipt of the Notice of Electronic Filing of the Order as to Preparation, before serving the summons. Immediately upon receipt of the Notice of Electronic Filing of the Order as to Preparation, print the Order and serve along with the issued summons and complaint. Upon completion of service, file a Certificate of Service with the Court.